

# Point-Counterpoint

## Should physicians be required to report domestic violence to the police?

### Against: Mandatory reporting does not guarantee safety



Michael A Rodriguez

Mandating that health care providers report intimate partner abuse injuries to police, even against patients' wishes, may have 4 major deleterious consequences.

First, mandatory reporting may increase partner abuse victims' risk for retaliatory abuse. As many as 50% of abusers make such threats, and more than 30% assault their partners during prosecution,<sup>1</sup> illustrating the clear and present danger faced by intimate partner abuse victims whose abuse is reported to police.

Second, mandatory reporting may also deter victims of intimate partner abuse from seeking appropriate medical care. Wishing to avoid contact with police, some victims may not disclose the source of their injuries to their providers. Undocumented abused women fearing deportation and women who fear losing custody of their children are particularly vulnerable. This further isolates partner abuse victims and limits the ability of physicians to intervene on their behalf and provide the best possible care.

Third, mandatory reporting may create expectations of services and protection that cannot be met. Limited or unsafe police response to reports of intimate partner abuse may further endanger victims, undermine victims' trust in the criminal justice system, and hinder the system's efforts toward punishment and deterrence.

Finally, and perhaps most importantly, mandatory reporting may compromise patients' autonomy and the confidentiality of patient-physician relationships. Unlike mandatory reporting of child abuse, reporting of intimate partner abuse nearly always involves competent adults capable of making critical life decisions. It deprives victims of their right to decide whether and how to involve law enforcement agencies. It breaches patient-physician confidentiality and creates a barrier to the open and honest exchange required for proper diagnosis, treatment, and follow-up.

Clearly, mandatory reporting raises serious professional and ethical considerations for both patients and physicians.<sup>2</sup> However, its direct effects and possible risks have not yet been studied. In the absence of solid research to support it, its benefits must be questioned. Does mandatory reporting contribute to the greater safety and well-being of partner abuse survivors? Quite possibly it does not.

Michael A Rodriguez  
Department of Family  
and Community  
Medicine  
San Francisco General  
Hospital Medical Center  
University of California,  
San Francisco (UCSF)  
San Francisco, CA  
94110

Correspondence to:  
Dr Rodriguez  
rodrigu@itsa.ucsf.edu

**Competing interests:**  
None declared

*West J Med*  
2000;173:225

#### References

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- 2 Hyman A, Schillinger D, Lo B. Laws mandating reporting of domestic violence: do they promote patient well-being? *JAMA* 1995;273:1781-1787.